

BILL NO. BL 2018-1063 (VERCHER) – This ordinance would amend Section 4.46.030 of the Metropolitan Code of Laws regarding collection of data to track the inclusion of the minority or women-owned business enterprises (MWBES) in the procurement process.

Under the current Metro Code provision, the Minority and Women Business Assistance Office (BAO) is authorized to collect information from participations to monitor the Procurement Nondiscrimination Program. The information “may” include information regarding business ownership, supplier information, and subcontractor information. The BAO is further required to continuously monitor the participation of MWBES in the procurement of construction, non-professional services and professional services for Metro.

Pursuant to the proposed ordinance, the information collected by the BAO “shall” include information regarding business ownership, supplier information, and subcontractor information as well as the type of work to be performed indicated by the United Nations Standard Products and Services Codes. Further, individuals or entities that contract with Metro would be required to submit to the BAO subcontractor information reflecting all MWBES and non-MWBES providing services on the contract, including total amounts paid to each subcontractor. Those failing to provide this information may be subject to penalties for noncompliance, as outlined in Sec. 4.46.100. These penalties include possible suspension or debarment by the Purchasing Agent or sanctions if there is evidence of specific conduct on the part of the participant that is inconsistent with the applicable provisions of the Procurement Nondiscrimination Program. The provisions related to the BAO’s monitoring of the participation of MWBES would remain unchanged from the current Code.

A housekeeping amendment is anticipated to correct a minor typographical error (referencing subsection D, instead of subsection C, of MCL §4.46.030).